

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1640

January 18, 2022

SUMMARY OF BILL: Prohibits probation for any person convicted of rape.

FISCAL IMPACT:

Increase State Expenditures – \$491,500 Incarceration

Assumptions:

- Tennessee Code Annotated § 40-35-303 authorizes probation for eligible defendants. A defendant is eligible for probation if the sentence actually imposed is less than 10 years. A defendant is not eligible for probation, regardless of the length of sentence, for certain enumerated offenses. The proposed legislation adds rape to those enumerated offenses.
- It is assumed that inchoate offenses of rape (i.e., attempt, conspiracy, and solicitation) will not be prohibited from receiving probation.
- Based on information provided by the Department of Correction, there has been an average of 3.1 admissions each year over the last 10 years for the Class B felony offense under Tenn. Code Ann. § 39-13-503(b) for rape, where the offender is sentenced to probation without serving jail time.
- The minimum length of sentence for rape in FY20-21 was eight years.
- Public Chapter 563 (2021) required a defendant to serve 100 percent of the sentence imposed for certain offenses, including the offense of rape, committed on or after July 1, 2021.
- The proposed legislation will result in three additional admissions annually serving 8 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$28,100	FY22-23
\$113,200	FY23-24
\$169,800	FY24-25
\$227,200	FY25-26
\$284,900	FY26-27
\$344,000	FY27-28
\$401,500	FY28-29
\$460,400	FY29-30
\$491,500	FY30-31
\$467,700	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring cost increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$491,500.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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